

***IN THE DISTRICT COURT OF THE UNITED STATES
for the Western District of New York***

May 2007 GRAND JURY
(Impaneled 05/04/07)

THE UNITED STATES OF AMERICA

INDICTMENT

-VS-

CARL A. LARSON
(Counts 1, 2, 3 and 4)
MIKE CAGGIANO
(Counts 1 and 2)
GERALD H. FRANZ, JR.
(Counts 3 and 4)
JEFFREY LENNON
(Counts 3 and 4)
JAMES L. MINTER
(Counts 3 and 4)

Violations:

18 U.S.C. § 1951(a)
(Hobbs Extortion)
18 U.S.C. § 1951(a)
(Hobbs Conspiracy)
18 U.S.C. § 2
(Aiding and Abetting)

COUNT 1
(HOBBS ACT EXTORTION)

The Grand Jury Charges:

Commencing in or about January, 1997, through and including February 7, 2003, the exact dates being to the Grand Jury unknown, in the Western District of New York, and elsewhere, the defendants, CARL A. LARSON and MARK CAGGIANO, together and with others, known and unknown, did unlawfully obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by extortion, and did attempt so to do; that is, the defendants did obtain and

attempt to obtain property from Timothy P. Such and STS Construction of WNY, such property consisting of the right to pursue a lawful business, including income, profits, sales, and contracts, the right to make business decisions free from outside pressure, and the right to hire, direct, supervise and retain a workforce of its choice, at several construction project locations, to include, among others: the Roswell Park Cancer Institute site, in Buffalo, New York; the Rath Building site, in Buffalo, New York; the Buffalo Psychiatric Center site, in Buffalo, New York; and the Army Corps of Engineers site, in Buffalo, New York, with the consent of Timothy P. Such and STS Construction of WNY, induced by the wrongful use of actual and threatened force, violence and fear, including fear of economic harm resulting from actual and threatened physical violence to Timothy P. Such and STS Construction of WNY, their property, and employees.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT 2
(HOBBS ACT CONSPIRACY)

The Grand Jury further Charges:

Commencing in or about January, 1997, through and including February 7, 2003, the exact dates being to the Grand Jury unknown, in the Western District of New York, and elsewhere, the defendants, CARL A. LARSON and MARK CAGGIANO, together and with others, known and unknown, did knowingly, willfully and unlawfully combine, conspire and agree, together and with others, to commit extortion, which extortion would have obstructed, delayed and affected commerce, as "extortion" and "commerce" are defined in Title 18, United States Code, Section 1951; in that the defendants agreed to unlawfully obtain and attempt to obtain property from Timothy P. Such and STS Construction of WNY, such property consisting of the right to pursue a lawful business, including income, profits, sales, and contracts, the right to make business decisions free from outside pressure, and the right to hire, direct, supervise and retain a workforce of its choice, at several construction project locations, to include, among others: the Roswell Park Cancer Institute site, in Buffalo, New York; the Rath Building site, in Buffalo, New York; the Buffalo Psychiatric Center site, in Buffalo, New York; and the Army Corps of Engineers site, in Buffalo, New York, with the consent of Timothy P. Such and STS Construction of WNY, its owners, operators, and agents, induced by the wrongful use

of actual and threatened force, violence and fear, including fear of economic harm resulting from actual and threatened physical violence to Timothy P. Such and STS Construction of WNY, their property, and employees.

All in violation of Title 18, United States Code, Sections 1951(a).

COUNT 3
(HOBBS ACT EXTORTION)

The Grand Jury further Charges:

Commencing in or about January, 2003, through and including in or about March, 2003, the exact dates being to the Grand Jury unknown, in the Western District of New York, and elsewhere, the defendants, CARL A. LARSON, GERALD H. FRANZ, JR., JEFFREY LENNON, and JAMES L. MINTER, together and with others, known and unknown, did unlawfully obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by extortion, and did attempt so to do, that is, the defendants did obtain and attempt to obtain property from Arthur Paolucci and Zoladz Construction Company, Inc., such property consisting of the right to work where, when and for whom one chooses, to do so free from interference from others, to pursue a lawful business including income, profits, sales, and contracts, the right to make business decisions free from outside pressure, and the right to hire, direct, supervise and

retain a workforce of its choice, at several construction project locations, to include, among others: 73 Tyler Street, in Buffalo, New York; 216 Strauss Street, in Buffalo, New York; and 32 Wilson Street, in Buffalo, New York, with the consent of Arthur Paolucci and Zoladz Construction Company, Inc., induced by the wrongful use of actual and threatened force, violence and fear, including fear of economic harm resulting from actual and threatened physical violence to Arthur Paolucci and Zoladz Construction Company, Inc., their property, and employees.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT 4
(HOBBS ACT CONSPIRACY)

The Grand Jury further Charges:

Commencing in or about January, 2003, through and including in or about March, 2003, the exact dates being to the Grand Jury unknown, in the Western District of New York, and elsewhere, the defendants, CARL A. LARSON, GERALD H. FRANZ, JR., JEFFREY LENNON, and JAMES L. MINTER, together and with others, known and unknown, did knowingly, willfully and unlawfully combine, conspire and agree, together and with others, to commit extortion, which extortion would have obstructed, delayed and affected commerce, as

"extortion" and "commerce" are defined in Title 18, United States

Code, Section 1951; in that the defendants agreed to unlawfully obtain and attempt to obtain property from Arthur Paolucci and Zoladz Construction Company, Inc., such property consisting of the right to work where, when and for whom one chooses, to do so free from interference from others, to pursue a lawful business including income, profits, sales, and contracts, the right to make business decisions free from outside pressure, and the right to hire, direct, supervise and retain a workforce of its choice, at several construction project locations, to include, among others: 73 Tyler Street, in Buffalo, New York; 216 Strauss Street, in Buffalo, New York; and 32 Wilson Street, in Buffalo, New York, with the consent of Arthur Paolucci and Zoladz Construction Company, Inc., induced by the wrongful use of actual and threatened force, violence and fear, including fear of economic harm resulting from actual and threatened physical violence to Arthur Paolucci and Zoladz Construction Company, Inc., their property, and employees.

All in violation of Title 18, United States Code, Sections
1951(a).

DATED: Buffalo, New York, December 18, 2007.

TERRANCE P. FLYNN
UNITED STATES ATTORNEY

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A TRUE BILL:

S/FOREPERSON
FOREPERSON